



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL-4M, FFL

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions. The Landlord states that the application for dispute resolution and notice of hearing were sent to the Tenant by text. The Tenant states that no such documents were received by the Tenant and that the Tenant only knew about this hearing as informed by the Residential Tenancy Branch (the “RTB”) when they sent the Tenant an evidence date reminder.

Section 89(2) of the Act provides that an application by a landlord under section 55 [*order of possession for the landlord*], 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the tenant;
- (b) by sending a copy by registered mail to the address at which the tenant resides;
- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;

(d)by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

(e)as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Based on the Landlord's evidence of service by text I find that the Landlord has not served the application for dispute resolution in accordance with the Act. I therefore dismiss the application for dispute resolution with leave to reapply.

This decision is made on authority delegated to me by the Director of the RTB under Section 9.1(1) of the Act.

Dated: September 01, 2020

Residential Tenancy Branch